

Title 3

REVENUE AND FINANCE

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Chapter 3.04

CITY CONTRACTS

Sections:

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3.04.010 Call for bids—Publication.

Except as otherwise provided in this chapter, the city clerk shall cause to be published in successive issues two times in a daily newspaper, at least two weeks prior to the stated bid opening date, in a newspaper, published and of general circulation in the city, a call for bids for the purchase of supplies, labor or materials for any public building or public use. (Ord. 436 §2, 1979; Ord. 05-883 § 1, 2005)

3.04.020 Call for bids—Contents.

The call for bids shall state:

A. The nature of the work required, the type, purpose and location of the proposed building and where plans, specifications and full information as to the proposed purchase of supplies, labor or materials may be obtained, or the details of the nature of supplies and materials or labor being sought, as is appropriate.

B. The suppliers or contractors desiring to submit proposals may obtain copies of full or partial sets of plans and specifications for estimates on request or by appointment. The return of such plans and specifications shall be guaranteed by a deposit of a designated amount

which shall be refunded on return of the plans and specifications in good order.

C. Every proposal shall be accompanied by a certified check, cashier's check or surety bond for ten percent of the amount of the bid included in the proposal as a guarantee that the contractor or supplier of labor or materials will enter into a contract to perform the proposal in accordance with the plans and specifications, or as liquidated damages in the event of the failure or refusal of the contractor or supplier of labor or materials to enter into the contract. The certified check, cashier's check or surety bond shall be returned to the contractors or suppliers of labor or materials, whose proposals are not accepted, and to the successful contractor or supplier of labor or materials on the execution of a satisfactory bond and contract as may be required.

D. The right is reserved to reject any or all proposals or to withhold the award for any reasons the city determines.

E. The call shall also state that sealed bids will be received at the office of the city clerk until a date therein named together with a statement of the time and public place where the bids will be opened. (Ord. 436 § 3, 1979)

3.04.030 Award of bids.

Bids shall be awarded to the lowest responsible bidder in substantial compliance with the terms and conditions of this chapter, chapter 3.06, and any other applicable statutes of the state of Arizona. (Ord. 436 § 4, 1979; Ord. 05-883 § 2, 2005)

3.04.040 Exceptions.

The provisions of this chapter requiring a call for bids and award of bids shall not apply to contracts for the expenditure of public funds

for building, improvements, supplies, labor or materials which do not exceed a total project and/or contract amount of thirty-five thousand (\$35,000) dollars. (Ord. 436 § 5, 1979; City Charter Art. VIII, Sec. 1(C) as amended 1998; Ord. 05-883 § 3, 2005).

3.04.050 Approval to proceed.

Where the total contract or project amount for building, improvements, supplies, materials or labor to be purchased with the use of public funds is reasonably estimated to be between five thousand (\$5,000) dollars and thirty-five thousand (\$35,000) dollars, approval to proceed shall be obtained from the city manager and reviewed by the chairman of the finance committee of the city, or his designee, as established and defined by the city council. (Ord. 436 § 6, 1979; Ord. 05-883 § 4, 2005)

3.04.060 Emergency circumstances.

A. The public bidding and advertisement requirements of this chapter may be dispensed with in the case of an actual emergency which requires immediate action in order to preserve the health, safety and welfare of the people.

B. The city council shall have the exclusive power of declaring an emergency. The city manager may recommend to the city council that they declare an emergency and shall give facts in support thereof.

C. In determining whether to declare an emergency, the city council shall take into consideration, among other things, the following factors:

1. Public policy favors advertisement and competitive bidding;
2. An emergency which will warrant the dispensing of advertising for competitive bids is one that is present, immediate and existing

and not one which may or may not arise in the future;

3. Is the condition one which could have been reasonably foreseen in time to advertise for bids;

4. The facts must clearly indicate that immediate action must be taken in order to preserve the peace, health, safety and welfare of the people. (Ord. 450 §§ 2—4, 1980)

Chapter 3.06

PROCUREMENT OF PROFESSIONAL SERVICES AND SOLE SOURCES

Sections:

3.06.010 Procurement of professional services and sole source vendors.

3.06.020 Proposals for certain specified professional services.

3.06.030 Public notice required.

3.06.040 Receipt of proposals.

3.06.050 Evaluation factors.

3.06.060 Discussion with offerors.

3.06.070 Award.

3.06.080 Sole source procurement.

3.06.010 Procurement of professional services and sole source vendors.

A. All city contracts for certain specified professional services and sole source vendors shall be awarded to the responsible bidder in compliance with the terms and conditions of this chapter and any other applicable statutes of the state of Arizona.

B. The finance director shall submit each determination made under this chapter to the city manager for prior approval or to council if the aggregate dollar amount exceeds \$35,000.00.

3.06.020 Proposals for certain specified professional services.

A. For purpose of this chapter, certain specified professional services shall mean legal services, architect services, auditor services, engineering services, land surveying services,

assayer services, geologist services, and landscape architect services.

B. Proposals for professional services from certain specified professionals exceeding thirty-five thousand (\$35,000) dollars shall require a written request for proposal. Contracts shall be awarded on the basis of demonstrated competence and qualifications for the type of professional services.

3.06.030 Public notice required.

Adequate notice of the request for proposal shall be given in a reasonable time prior to the date set forth therein for the receipt of proposals. Adequate public notice shall mean publication of a public notice which summarizes the request for proposals in a newspaper of general circulation in the city two consecutive days with the last publication being not more than two weeks prior to the date set forth therein for the opening of bids.

3.06.040 Receipt of proposals.

Proposals shall be opened so as to avoid disclosure of contents to competing offerors during the process of negotiation. A list of proposals received shall be prepared and shall be open for public inspection after contract award.

3.06.050 Evaluation factors.

The request for proposals shall state the relative importance of price and other evaluation factors.

3.06.060 Discussion with responsible offerors and revisions to proposals.

As provided in the request for proposals, discussions may be conducted with responsible offerors who submit proposals determined to be reasonably susceptible of being selected for award for the purpose of clarification to assure full understanding of, and responsiveness to, the solicitation requirements. Offerors shall be accorded fair and equal treatment with respect to any opportunity for discussion and revision of proposals and such revisions may be permitted after submission and prior to award for the purpose of obtaining best and final offers. In conducting discussions, there shall be no disclosure of any information derived from proposals submitted by competing offerors.

exist. A written determination of the basis for the sole source procurement shall be included in the contract file and available for public inspection.

3.06.070 Award.

Award shall be made to the responsible offeror whose proposal is determined in writing to be the most advantageous to the city taking into consideration price and the evaluation factors set forth in the request for proposals and the additional criteria set forth therein. No other factors or criteria shall be used in the evaluation. The contract file shall contain the basis on which the award is made.

3.06.080 Sole source procurement.

A contract may be awarded for a material, service or construction item without competition if the finance director determines in writing that there is only one source for the required material, service or construction item. The finance director may require the submission of cost or pricing data in connection with an award under this section. Sole source procurement shall be avoided, except when no reasonable alternative sources

Chapter 3.08**CLAIMS AGAINST CITY****Sections:**

- 3.08.010 Claims presentation—Verification—Indebtedness to city.**
 - 3.08.020 Audit, examination, allowance or rejection.**
 - 3.08.030 Warrants—Drawing, signing and presentation.**
 - 3.08.040 Warrants—Payment.**
 - 3.08.050 Warrants—Delivery—Filing.**
- 3.08.010 Claims presentation—Verification—Indebtedness to city.**

Every person having a claim against the city, except those referred to in the provisions of this section, shall present it in writing to the city council verified by affidavit of himself or his agent, stating minutely what the claim is for, and specifying each several items and the date and amount thereof; which verification shall state that the amount is justly due; that there are no offsets or credits to the same, and that the party is not in any way indebted to the city. No demand shall be allowed in favor of any person who is indebted to the city without first deducting such indebtedness. Nothing herein shall be held to apply to demands for official salaries, which by expressed provision of ordinance or resolution, are made a demand against the city. (Prior code §2.20)

3.08.020 Audit, examination, allowance or rejection.

Claims presented as provided by Section 3.08.010 shall be filed with the city clerk and shall be passed upon and audited by the city council at their next regular meeting thereafter, and either allowed or rejected in whole or in part as the city council may deem proper. No demand shall be allowed in favor of any officer whose accounts have not been audited and approved or who shall have neglected to make his official returns or report or who shall have neglected or refused to perform any duty required of him. The city council may examine on oath or otherwise the person presenting such claim or any other person, in order to ascertain any facts necessary and proper for them to know in determining an allowance or rejection thereof. (Prior code § 2.21)

3.08.030 Warrants—Drawing, signing and presentation.

A. When any amount is allowed as a demand against the city, a warrant shall be drawn on the treasurer thereof, signed by the mayor and the clerk, which warrant shall be delivered to the party in whose favor the same is drawn and presented by him to the treasurer. All warrants shall be made payable to the order of the person entitled thereto. Such warrant may be presented by the assignee, executor or administrator of the person to whom the same is drawn.

B. There shall be appointed an assistant city treasurer who shall have the same duties and responsibilities as appertain to the office of the city treasurer, and specifically, to have the authority to countersign all warrants issued by order of the mayor and city council. (Ord. 373 § 2, 1970; prior code § 2.22)

3.08.040 Warrants—Payment.

Warrants must specify the liability for which they are drawn, when such liability accrued and must be paid in the order of presentation. If the fund upon which such warrant is drawn is insufficient to pay the warrant, such warrant shall be registered by the treasurer and thereafter paid in the order of its presentation as such fund shall become sufficient. (Prior code § 2.23)

3.08.050 Warrants—Delivery—Filing.

A city warrant shall be delivered to the payee or his assignee, executor or administrator, and shall be considered as a check upon the city depository for the amount therein specified. No funds shall be drawn from the city depository except upon a warrant duly signed and indorsed. When such warrants are returned from the city depository as paid, they shall be filed by the treasurer in the records of his office and shall constitute a credit in his favor for the amounts therein stated in all settlements of accounts with the city. (Prior code §2.24)

Chapter 3.12**CEMETERY FEES****Sections:****3.12.010 Fees.****3.12.020 When payments to be made.****3.12.010 Fees.**

The following fees shall be charged for the described installations or services at the municipal cemetery from and after the effective date of the ordinance codified in this chapter:

Single lot curb	\$170.00
Double lot curb	280.00
Triple lot curb	340.00

An additional \$35.00 per curb shall be charged for four or more curbs.

Raised cap	\$140.00
Flat cap	110.00
Partition	70.00
Cement base for chat	45.00
Chat per lot	45.00
Vault	200.00

Open and close—weekdays (for lot in dirt)	\$125.00
Open and close—weekdays (for lot in grass)	165.00
Open and close—Saturday	285.00
Open and close—ashes	35.00
Open and close—baby	35.00

Cost per lot in grass	\$200.00
Cost per lot in dirt	75.00
Cost per plot (baby)	35.00

Installation of headstone:

Granite through 24"	\$ 75.00
Granite 25"—48"	120.00

(Ord. 643 § 2, 1994)

3.12.020 When payments to be made.

All charges for weekday openings shall be paid at the time a lot or lots are purchased from the city. If the opening occurs on a Saturday, the additional fee for Saturday open and close shall be paid prior to the burial. In any event, all charges imposed by the city pursuant to this chapter shall be paid prior to the burial. All payments shall be made to the city treasurer or their authorized representative. (Ord. 643 § 3, 1994)

Chapter 3.16

FUNDS OR PROPERTY RECEIVED THROUGH FEDERAL ASSET SHARING OR FORFEITURE

Sections:

- 3.16.010 Separate accountings of received funds and property.**
- 3.16.020 Accounting system.**
- 3.16.030 Restrictions on use of funds or property.**

3.16.010 Separate accountings of received funds and property.

Separate accountings shall be kept and made by the city of:

A. State grants of forfeiture property or money passing to the city through the office of the Arizona Attorney General;

B. Other forfeiture money or property received as a result of court declared forfeitures of property or money or Attorney General Grants;

C. Federal asset sharing grants; and

D. Grants of forfeiture property or money or federal asset sharing which are project specific. (Ord. 559 § 1, 1990)

3.16.020 Accounting system.

The city clerk and treasurer, with the advice of city auditors, or the State Auditor General as required, shall establish a system for proper accounting as required by Section 3.16.010. The system shall include but not be limited to the following:

A. A report by the chief of police to the city manager and city clerk and treasurer by the

tenth day of each month outlining the status of and changes in the various accounts;

B. Interest-bearing deposits shall be made to federally insured accounts and/or the local government investment pool of all funds received except for cash withdrawn for undercover purposes;

C. Create forms requesting authorization from the manager by the chief of police for use of funds for undercover operations to fight racketeering;

D. Establish a procedure for later disclosing to the manager and city clerk and treasurer the use of funds when initial disclosure will jeopardize an undercover operation's confidentiality or jeopardize the safety of persons;

E. Establish a process for presenting proposed fiscal year expenditures to the mayor and council for approval and a process for presenting requests for emergency authorization to spend funds, to the mayor and council for approval. (Ord. 559 § 2, 1990)

3.16.030 Restrictions on use of funds or property.

All funds or property described in Section 3.16.010 shall be used or spent only for general purposes of enhancing city law enforcement by supplementing local budget funds and not by supplanting ordinary expenditures, or such more restrictive use as prescribed by statute, law or grant. (Ord. 559 § 3, 1990)

Chapter 3.20**NONSUFFICIENT FUNDS CHECK
CHARGES****Sections:****3.20.010 Nonsufficient funds
checks—Fee.****3.20.010 Nonsufficient funds checks—
Fee.**

A. A person who issues the city a check that is dishonored because of nonsufficient funds shall pay a “bad check” charge in an amount sufficient to cover the fees and costs incurred by the city as a result of the dishonored check.

B. The city manager shall establish and publicize the amount of the bad check charge, which shall be based upon the bank fees charged to the city for nonsufficient funds checks and the average costs to the city for processing such checks, including costs of mailing and staff time.

C. It is the intent of this section that the bad check charge shall always be the amount required to cover the city’s cost of processing dishonored checks. If the city’s costs for processing dishonored checks changes so that the existing charge no longer reflects the city’s actual costs, the city manager may establish and publicize a different “bad check” charge. (Ord. 750 §§ 1—3, 1999)